REMARKS

Claims 36 and 49 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly being based on a disclosure which is not enabling. Applicant has amended claims 36 and 49 in a good-faith attempt to address the Examiner's objections to these claims. Also, applicant kindly directs the Examiner's attention to paragraphs 265-66 of the specification, wherein it set forth one example of applying non-linear distortion to the video image. "The lines at the edges of the [video] image that appear to be curved can thus be straightened by pulling the video texture. For this purpose a regular mesh of polygons 20 is created on which a video texture is plated with texture coordinates describing a curve when the coordinates of the associated vertices evolve linearly." This is a non-linear application because the video texture is pulled only at the edges of the image that appear to be curved., and not for the entire video image. It is respectfully requested that the rejection of claims 36 and 49 under 35 U.S.C. §112, first paragraph, be withdrawn.

Claims 27, 28, 30 and 40 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. patent 5,513,854 to Daver (hereinafter "Daver"). Claims 29, 31-34, 38-39, 41-47 and 51 have been rejected under 35 U.S.C. § 103 as allegedly being obvious over Daver in view of U.S. patent 7,098,888 to Temkin et al. (hereinafter "Temkin"). Claims 35-36 and 48-49 have been rejected under 35 U.S.C. § 103 as allegedly being obvious over Daver in view of Gianpolo U. Carraro, John T. Edmark, J. Robert Ensor, *Techniques for Handling Video in Virtual Environments*, Proceedings of the 25th Annual Conference on Computer Graphics and Interactive Techniques SIGGRAPH '98 (hereinafter "Carraro"). Claim 37, 50 and 52 have been rejected under 35 U.S.C. § 103 as allegedly being obvious over Daver in view of U.S. patent 6,348,953

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to Rybczynski (hereinafter "Rybczynski"). Applicant respectfully traverses these rejections.

A rejection based on 35 U.S.C. § 102 as the present case, requires that the cited reference disclose each and every element covered by the claim. *Electro Medical Systems S.A. v. Cooper Life Sciences Inc.*, 32 U.S.P.Q.2d 1017, 1019 (Fed. Cir. 1994); *Lewmar Marine Inc. v. Barient Inc.*, 3 U.S.P.Q.2d 1766, 1767-68 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988); *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2D 1051, 1053 (Fed. Cir.), *cert. denied*, 484 U.S. 827 (1987). The Federal Circuit has mandated that 35 U.S.C. § 102 requires no less than "complete anticipation ... [a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim." *Connell v. Sears, Roebuck & Co.*, 772 F.2d 1542, 1548, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); *See also*, *Electro Medical Systems*, 32 U.S.P.Q. 2d at 1019; *Verdegaal Bros.*, 814 F.2d at 631.

Daver relates to a system for tracking video image of players to add graphic symbols representing a ball. Contrary to the Examiner's assertion, Daver does not teach or suggest "producing a flow of synthetic images by combining three-dimensional geometric shapes with textures of two-dimensional images," as required in amended independent claims 27 and 40. This advantageously enable the user to mix the synthetic and video images in real-time. In fact, col. 3, lines 41-44, cited by the Examiner, merely describes 'generating a sequence of successive [video] images."

Also, contrary to the Examiner's assertion, Daver does not teach or suggest "tracing said scene by creating visual interactions between said flow of synthetic images and at least a flow of video images," as required in amended independent claims 27 and 40. As already noted herein, col. In fact, col. 3, lines 41-44, cited by the Examiner, merely describes 'generating a sequence of successive [video] images."

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Further, contrary to the Examiner's assertion, Daver does not teach or suggest "performing a specific rendition of said scene by copying, upon each rendering of said scene, said video buffer into said memory zone of said graphic board," as required in amended independent claim 27 (and similarly in amended independent claim 40). In fact, col. 3, lines 48-51, cited by the Examiner, merely describes 'using said processing devices to filter said sequences in order to obtain, based on the position data, data pertaining to the trajectory of every player and/or ball over time."

"To imbue one of ordinary skill in the art with knowledge of the present invention, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim of the insidious effect of hindsight syndrome, wherein that which only the inventor taught is used against the teacher." W.L. Gore & Assoc. v. Garlock, Inc., 721 F.2d 1540, 1553 (Fed. Cir. 1983). In the present case, for example, Daver does not teach or suggest "producing a flow of synthetic images by combining three-dimensional geometric shapes with textures of two-dimensional images," as required in claims 27-52.

The prior must to be judged based on a full and fair consideration of what that art teaches, not by using Applicants invention as a blueprint for gathering various bits and modifying the pieces in an attempt to reconstruct Applicant's invention. The Examiner cannot simply change the principle of the operation of the reference or render the reference inoperable for its intended purpose to render the claims unpatentable. Accordingly, it is submitted that the Examiner has succumbed to the lure of prohibited hindsight reconstruction.

Accordingly, applicant respectfully submits that the Examiner has failed to establish a case that Daver is an anticipatory reference under 35 U.S.C. § 102(b) because Daver does not teach or suggest all of the required elements of independent claims 27 and

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40. Hence, it follows that Daver does not anticipate or render obvious independent claims 27 and 40, or any of claims 28-39 and 41-52 dependent on claims 27 and 40.

To establish a prima facie case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); MPEP 2143. Here, the Examiner has failed to establish a prima facie case of obviousness because Daver does not teach or suggest all the claim limitations of amended independent claims 27 and 40 and thus included in dependent claims 28-39 and 41-52.

Further, Daver, Temkin, Carraro, and Rybczynski independently or in combination is not directed to the problem solved by the present invention, providing a method and a system for enabling real-time mixing of synthetic and video images by a user. "[T]he mere fact that the prior art can be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." In re Laskowski, 871 F.2d 115, 117 (Fed. Cir. 1989) (quoting In re Gordon, 733 F.2d 900, 902 (Fed. Cir. 1984)). Therefore, the Examiner has failed to establish a *prima facie* case of obviousness for claims 29, 31-39 and 41-52.

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the applicant's undersigned attorney and, in the event that the Examiner disagrees with any of such opinions, it is respectfully requested that the

Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

In view of the above, applicant believes the pending application is in condition for allowance.

* * *

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0624, under Order No. NY-GRYN 213-US (10500363) from which the undersigned is authorized to draw.

Dated:

Respectfully submitted,

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